

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
MEETING OF FEBRUARY 6, 2020**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **February 6, 2020** in the Orange County Commission Chambers on the 1st Floor of the Orange County Administration Building, 201 South Rosalind Avenue, Orlando, Florida 32801.

BOARD MEMBERS PRESENT: Carolyn Karraker (Chair) - District #1
Gregory A. Jackson - District #2
Juan Velez – District #3
Charles J. Hawkins, II – District #6
Roberta Walton – At Large

BOARD MEMBERS ABSENT: Deborah Moskowitz (Vice Chair) – District #4
Wes A. Hodge – District #5

STAFF PRESENT: Brandy Driggers, Assistant Manager, Zoning Division
Nick Balevich, Planner II, Zoning Division
David Nearing, AICP, Planner II, Zoning Division
Debra Phelps, Recording Secretary, FOS Division
Shamaka Daniels, Development Specialist, FOS Division
Roberta Alfonso, Assistant County Attorney

The Chair called the meeting to order at 9:04 a.m.

Following the Pledge of Allegiance to the Flag, the following applications, as advertised, were called up for public hearing.

APPROVAL OF MINUTES:

The Chair requested a motion approving the minutes of the January 2, 2020, Board of Zoning Adjustment meeting.

A motion was made by: Gregory A. Jackson

seconded by: Carolyn Karraker

and unanimously carried to **APPROVE** the minutes of the January 2, 2020 hearing, Board of Zoning Adjustment meeting.

PUBLIC COMMENT: The Chair opened the floor to public comment, seeing none; the Chair closed the hearing for public comment and continued with the regularly scheduled agenda.

ARNOLD OLSON - VA-20-02-154

REQUEST: **Variances** in the R-1 zoning district as follows:
1) To allow an existing accessory structure over 15 ft. in height to remain 5 ft. from the rear (south) property line in lieu of 10 ft.
2) To allow an accessory structure with more than 150 sq. ft. of floor area and which is greater than 10 ft. in height to be constructed of materials not commonly used throughout Orange County for single-family residential construction, such as stucco, brick, vinyl, aluminum or wood for the siding or walls; and shingles, tiles or corrugated metal for the roof.
Note: This is the result of a Code Enforcement action.

ADDRESS: 728 E. 10th St., Apopka FL 32703
LOCATION: South side of E. 10th St., approximately 750 ft. west of Sheeler Ave.
TRACT SIZE: 110 ft. x 115 ft./ .29 acres
DISTRICT#: 2
LEGAL: N 125 FT OF E 110 FT OF W 550 FT OF SE1/4 OF NE1/4 (LESS RD R/W) OF SEC 15-21-28
PARCEL ID#: 15-21-28-0000-00-174
NO. OF NOTICES: 63
Commentaries: None

Staff Recommendation: Staff indicated that the garage first appeared in the 2019 aerial, which meant that it was constructed in either late 2018, or early 2019. The property was not abnormally shaped and relatively flat. With regard to the exterior finish of the structure, staff noted the code required that any accessory structure over ten (10) feet in height, or with more than 150 sq. ft. of floor area to be finished with materials commonly used on residential homes, such as stucco, vinyl siding, brick, etc. Staff recommended denial; however, if the BZA recommended approval then staff recommended the conditions of approval found in the staff report.

The following person(s) addressed the Board:

Speaker(s): Arnold Olson (Applicant)

The applicant indicated that they had hired a contractor to construct the building but they paid the manufacturer directly for the building. They assumed that all permits had been obtained, however, due to an illness and ultimate death of their mother, they were not in the state when the building was actually erected. They were not aware that permits had not been applied for until September of 2019, when a code enforcement officer cited them for construction of the garage without permits.

There being no one present to speak in favor of or opposition to the request, the public hearing was closed.

BZA Discussion: The BZA noted that there seemed to be a growing pattern of people building improvements without permits, then asking for forgiveness if they were caught. In reviewing the exterior of the building, the BZA found that the colors complimented the applicant's residence. They asked the applicant if they would consider putting some type of finish on the structure, such as stucco. The applicant indicated that they were not financially capable of doing so. The BZA recommended approval of Variance requests #1 and #2, subject to the five (5) conditions listed in the staff report.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Charles J. Hawkins, II and unanimously carried to Recommended **APPROVAL** of the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with the site plan dated November 25, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a permit and a final inspection for the garage within 180 days of

final action on this application by Orange County, or this approval becomes null and void.

5. Prior to final inspection of a permit for the garage, the applicant shall obtain an RV permit.

AYE (voice vote): All members present

Absent: Deborah Moskowitz, Roberta Walton, and Wes A. Hodge

DANIEL PALLADINO - VA-20-02-159

REQUEST: **Variances** in the R-CE zoning district as follows:
1) To allow a new pool/pool deck/cabana 21 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
2) To allow an existing residence 28 ft. from the front property line in lieu of 35 ft.
3) To allow an existing residence 7 ft. from the side (west) setback of in lieu of 10 ft.
4) To allow the existing residence to remain 41 ft. from the NHWE in lieu of 50 ft.

ADDRESS: 10033 Lone Tree Ln., Orlando FL 32836

LOCATION: North side of Lone Tree Ln., on the south shore of Lake Tibet Butler, approximately .4 mi. east of Sunset Blvd.

TRACT SIZE: .72 acres

DISTRICT#: 1

LEGAL: CYPRESS SHORES FIRST ADDITION T/56 LOT 7

PARCEL ID#: 32-23-28-1874-00-070

NO. OF NOTICES: 314

Commentaries: Four (4) in favor and none in opposition

Staff Recommendation: Staff explained the history of the property including the fact that the County had administratively rezoned the subject property as well as the remainder of the lots in the subdivision to R-CE from R-1 or R-1A. This rendered all lots nonconforming and increased setbacks, making many of the homes nonconforming. Lastly, staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant waived the right to speak and agreed with the staff recommendation. There being no one present to speak in favor of or opposition to the request, the public hearing was closed.

BZA Discussion: The BZA discussed the case and concurred with the staff recommendations.

BZA Action: A motion was made by Carolyn Karraker, seconded by Juan Velez and unanimously carried to recommend **APPROVAL** of the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with the site plan dated December 10, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the

Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the pool/pool deck/cabana is no closer than twenty-one (21) feet from the Normal High Water Elevation (NHWE) of Lake Tibet Butler.

AYE (voice vote): All members present

Absent: Charles J. Hawkins, II, Deborah Moskowitz and Wes A. Hodge

JAMES GREEN - VA-20-02-161

REQUEST: Variance in the R-T-2 zoning district to allow a mobile home on a .33 acre lot in lieu of .5 acres.
ADDRESS: 631 Belvedere Rd., Orlando FL 32820
LOCATION: Northeast corner of Belvedere Rd. and 2nd Ave., approximately 550 ft. north of E. Colonial Dr.
TRACT SIZE: 100 ft. x 144 ft./ .33 acres
DISTRICT#: 5
LEGAL: UNRECORDED PLAT EAST ORLANDO ESTATES SECTION 1 LOT 518
DESC AS E 72 FT OF W 117 FT OF S 100 FT OF BLK 602 & LOT 519
DESC AS E 72 FT OF W 189 FT OF S 100 FT OF BLK 602
PARCEL ID#: 15-22-32-2336-05-180
NO. OF NOTICES: 49
Commentaries: None

Staff Recommendation: Staff explained that the subject property was part of a large unrecorded plat, and was once within the incorporated City of Bithlo. However, in 1977, the City of Bithlo dissolved its Charter, and the County assumed control of the land, assigning it the R-T-2 zoning designation. Finally, staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant waived the right to speak and agreed with the staff recommendation. There being no one present to speak in favor of or opposition to the request, the public hearing was closed.

BZA Discussion: The BZA concluded to concur with the staff recommendations.

BZA Action: A motion was made by Juan Velez, seconded by Gregory A. Jackson and unanimously carried to Recommended **APPROVAL** of the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with the site plan dated December 10, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the

Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

AYE (voice vote): All members present

Absent: Deborah Moskowitz and Wes A. Hodge

OCOOE CHURCH OF GOD (THOMAS ODOM) - SE-20-02-164

REQUEST: An amendment to an existing **Special Exception** in the R-2 zoning district to allow for up to 175 students for a K-12 school and add two additional modular buildings for classrooms.

ADDRESS: 105 16th Ave., Ocoee FL 34761

LOCATION: East side of N. Lakewood Ave., between 16th Ave. and 17th Ave.

TRACT SIZE: 300 ft. x 400 ft./2.75 acres

DISTRICT#: 2

LEGAL: NORTH OCOOE ADDITION NO 1 O/68 LOTS 1 THROUGH 3, THE E 25 FT OF LOT 4, AND LOTS 14 THROUGH 16, BLK 1

PARCEL ID#: 08-22-28-5956-01-030, 08-22-28-5956-01-050, 08-22-28-5956-01-120

NO. OF NOTICES: 86

Commentaries: Two (2) in favor and none in opposition

Staff Recommendation: Staff described the history of the property including prior Special Exceptions to add modular classrooms, increase enrollment, and convert an existing single family home to a day care. Staff recommended that the two (2) large properties be consolidated under one (1) parcel number. Eventually, the third parcel would be combined as well. Finally, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant waived the right to speak and agreed with the staff recommendation. There being no one present to speak in favor of or opposition to the request, the public hearing was closed.

BZA Discussion: The BZA concluded to concur with the staff recommendations.

BZA Action: A motion was made by Gregory A. Jackson, seconded by Roberta Walton and unanimously carried to Recommended **APPROVAL** of the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions:

1. Development in accordance with the site plan dated December 11, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The applicant shall submit construction plans through the commercial site plan review process within three (3) years of final approval by Orange County, or this approval is null and void.

5. The modulars shall be fitted with skirting to conceal the understory from the bottom of the frame to the natural grade.

6. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.

7. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06), shall be met.

8. Consolidate Parcel I.D.s 08-22-28-5956-01-050 and 08-22-28-5956-01-030, under one (1) parcel identification number.

AYE (voice vote): All members present

Absent: Charles J. Hawkins, II, Deborah Moskowitz and Wes A. Hodge

JEFFREY SOBEK - VA-20-02-165

REQUEST: **Variances** in the R-CE zoning district as follows:

- 1) To allow an existing residence to remain 5.4 ft. from the south side property line in lieu of 10 ft.
- 2) To allow a second story addition to an existing one-story home at 5.4 ft. from the south side property line in lieu of 10 ft.
- 3) To allow a pool deck at 21.5 ft. from the rear yard setback in lieu of 50 ft.
- 4) To allow a pool at 27.3 ft. from the rear yard setback in lieu of 50 ft.
- 5) To allow a pool deck at 21.5 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
- 6) To allow a pool at 27.3 ft. from the NHWE in lieu of 50 ft.
- 7) To allow a detached accessory structure to remain in front of the principal residence with a side (south) setback of 5 ft. in lieu of 10 ft.

ADDRESS: 12036 Sandy Shores Dr., Windermere FL 34786

LOCATION: East side of Sandy Shores Dr., on the west shore of Lake Butler

TRACT SIZE: 46 ft. x 286 ft. (avg.)/.27 acres

DISTRICT#: 1

LEGAL: SANDY SHORES S/57 S 45 FT OF LOT 5

PARCEL ID#: 24-23-27-7808-00-052

NO. OF NOTICES: 495

Commentaries: Two (2) in favor, one (1) telephonic communication for lesser variances, and two (2) in opposition

Staff Recommendation: Staff explained the history of the property including the fact that in 1967, the County administratively rezoned the property from A-1, R-1 and R-1A to R-CE. While the property is a lawfully nonconforming lot of record, the rezoning resulted in ten (10) ft. side setbacks. This made both the house and the garage nonconforming structures. Lastly, staff recommended approval of Variance requests #1, #2, and #7, and recommended a lesser variance for requests #3, #4, #5, and #6, to allow the pool deck to be 28.5 ft. from the rear property line and NHWE, and the pool to be 34.3 ft. from the rear setback and NHWE, subject to the conditions in this report.

The following person(s) addressed the Board:

Speaker(s): Sheila Cichra (Applicant's representative)

There being no one present to speak in favor of or opposition to the request, the public hearing was closed.

BZA Discussion: The BZA discussed the design and concluded that the applicant's compromise would increase the separation distance, but leave the applicant with sufficient room. The BZA recommended approval of Variance requests #1, #2 and #7, as proposed; and, for reduced variances of 23.5 ft. for Variance requests #3 and #5, and 29.3 ft. for Variance requests #4 and #6, subject to the five (5) conditions recommended by staff, including Condition #5, as amended.

BZA Action: A motion was made by Carolyn Karraker, seconded by Gregory A. Jackson and unanimously carried to recommend **APPROVAL** of the Variance requests **#1, #2 and #7**, and, to recommend a lesser Variance for requests **#3, #4, #5 and #6**, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended:

1. Development in accordance with the site plan dated December 11, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain permits for the garage within 180 days of final action on this application by Orange County or this variance is null and void.
5. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the pool deck is no closer than 23.5 feet and pool no closer than 29.3 feet from the Normal High Water Elevation of Lake Butler.

AYE (voice vote): All members present

Absent: Charles J. Hawkins, II, Deborah Moskowitz and Wes A. Hodge

RICHARD WAYNE MADDEN - VA-20-02-166

REQUEST: **Variances** in the R-1AA zoning district as follows:
1) To replace a pool deck 11 ft. from the Normal High Water Elevation (NHWE) in lieu of 35 ft.
2) To replace a pool 13.6 ft. from the NHWE in lieu of 35 ft.

ADDRESS: 9138 Bay Point Dr., Orlando FL 32819

LOCATION: West side of Bay Point Dr., north of Crichton Wood Dr., west of S. Apopka Vineland Rd.

TRACT SIZE: .407 acres

DISTRICT#: 1

LEGAL: BAY POINT 7/49 LOT 20 SEE 5998/0519

PARCEL ID#: 28-23-28-0600-00-200

NO. OF NOTICES: 248

Commentaries: Four (4) in favor and none in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. Further, staff recommended approval of the request subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant waived the right to speak and agreed with the staff recommendation. There being no one present to speak in favor of or opposition to the request, the public hearing

was closed.

BZA Discussion: The BZA concurred with the staff recommendations.

BZA Action: A motion was made by Carolyn Karraker, seconded by Juan Velez and unanimously carried to Recommended **APPROVAL** of the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with the site plan dated December 11, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the pool is no closer than 13.6 feet, and deck is no closer than 11 feet from the Normal High Water Elevation (NHWE) of Lake Tibet Butler.

AYE (voice vote): All members present

Absent: Charles J. Hawkins, II, Deborah Moskowitz and Wes A. Hodge

LILIAN SEGARRA - VA-20-02-150

REQUEST: **Variances** in the R-1A zoning district as follows:
1) To allow an existing addition 3.3 ft. from the south side property line in lieu of 7.5 ft.
2) To allow an existing addition 20 ft. from the rear property line in lieu of 30 ft.
Note: This is the result of Code Enforcement action.

ADDRESS: 8007 Meadowglen Dr., Orlando FL 32810

LOCATION: East side of Meadowglen Dr., south of Falkner Rd., east of Forest City Rd.

TRACT SIZE: 75 ft. x 134 ft./ .231 acres

DISTRICT#: 2

LEGAL: PLANTATION UNIT 1 W/39 LOT 3 BLK D

PARCEL ID#: 27-21-29-7140-04-030

NO. OF NOTICES: 130

Commentaries: One (1) in favor and one (1) in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. Finally, staff recommended denial; however, if the BZA recommended approval then staff recommends the conditions of approval found in the staff report.

The following person(s) addressed the Board:

Speaker(s): Yolanda Vila, Senior Code Enforcement Officer

Lilian Segarra (Applicant)

Angelina Quijada, (Applicant's representative)

Christopher Smith, Code Enforcement Officer

The applicant stated that the reason for the delay was due to not knowing how to file and being unable to find anyone to help with the plans. The applicant also stated that they hired a contractor who stated that they took care of everything including permits, and they could not locate the contractor now.

The Code Enforcement officer confirmed that the addition had been built without permits, a fine was accruing every day, and a permit was needed to stop the fines.

Material was submitted to the Board by the Code Enforcement officer to be entered into the record prior to the close of the public hearing.

There being no one present to speak in favor of or opposition to the request, the public hearing was closed.

BZA Discussion: The BZA asked about fines and confirmed that a contractor had constructed the addition. They were also concerned about the safety of the structure and wanted to know why it took two (2) years to apply for the variance. Finally, the BZA made a motion to deny the request, which failed with a tie vote. The BZA recommended approval of the requested variances, which passed with a three (3) in favor and one (1) opposed vote, subject to the four (4) conditions found in the staff report.

BZA Action: A motion was made by Board member, Gregory A. Jackson, seconded by Carolyn Karraker voting AYE by voice vote; and, Roberta Walton and Juan Velez voting No by voice vote (Charles J. Hawkins, II, Deborah Moskowitz and Wes A. Hodge were absent), to recommend **DENIAL** of the Variance requests and **FAILED** with a **TIE** vote.

Another motion was made by Gregory A. Jackson, seconded by Roberta Walton and carried to recommend **APPROVAL** of the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with the site plan dated January 2, 2020 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain permits for the addition within 180 days of final action on this application by Orange County, or this approval is null and void.

AYE (voice vote): Roberta Walton, Carolyn Karraker, and Juan Velez

NAY (voice vote): Gregory A. Jackson

Absent: Charles J. Hawkins, II, Deborah Moskowitz and Wes A. Hodge

LISBON PORTUGUESE CUISINE - VA-20-02-160

REQUEST: **Variance** in the C-1 zoning district to allow a wall sign to extend 18 inches above the roof line.

ADDRESS: 7600 Dr. Phillips Blvd., Orlando FL 32819

LOCATION: Northwest corner of W. Sand Lake Rd. and Dr. Phillips Blvd.
TRACT SIZE: 20 acres
DISTRICT#: 1
LEGAL: BEG 247 FT N & 50 FT E OF SW COR OF SEC 26-23-28 TH RUN N 643.13 FT E 147 FT S 70 FT E 47.82 FT NELY 26.91 FT N 29 DEG E 115.73 FT NELY 26.18 FT N 214.33 FT E 228 FT N 4.74 FT NLY & ELY 348.91 FT NWLY 132.86 FT N 46 DEG E 152 FT SELY 274.31 FT S 71.3 FT W
PARCEL ID#: 26-23-28-0000-00-015
NO. OF NOTICES: 183

Commentaries: One (1) in favor and one (1) in opposition

Staff Recommendation: Staff noted that while the variance was advertised for eighteen (18) inches, a variance for only twelve (12) inches was necessary based on information the applicant provided. Staff noted that the applicant could modify the design of the sign, reduce the size of the sign, or a combination of both, to make the sign comply with the sign code. Staff concluded by noting that they had received one (1) correspondence in support from the property manager, and one (1) in opposition from the Dr. Phillip's Co.; however, that objection was withdrawn. Lastly, staff recommended denial; however, if the BZA recommended approval then staff recommends the conditions of approval found in the staff report.

The following person(s) addressed the Board:

Speaker(s): Sandra Andrade (Applicant's representative)

The applicant noted that they had paid over \$600.00 to the sign contractor for the permit. When they confronted the contractor, the contractor insisted that there was a permit. However, after contacting County staff and being informed that the permit was never issued due to the signs location, the contractor broke off communication.

There being no one present to speak in favor of or opposition to the request, the public hearing was closed.

BZA Discussion: The BZA felt that due to the location of the storefront, the fact that both storefronts on either side of the subject property had overhangs obstructing the view of the sign, there were special conditions and circumstances regarding this application. Further, the need for the variance was not self-created, and other signs similar in design had been approved. Based on these factors, the BZA recommended approval of the variance for a twelve (12) inch extension above the roofline subject to the four (4) conditions found in the staff report.

BZA Action: A motion was made by Carolyn Karraker, seconded by Roberta Walton and unanimously carried to recommend **APPROVAL** of a lesser Variance, to allow a wall sign to extend 12 inches above the roofline, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with the site plan dated December 10, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a permit for the sign within 120 days of final action on this

application by Orange County, or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Charles J. Hawkins, II, Deborah Moskowitz and Wes A. Hodge

LECHONERIA (EZEQUIEL CUEVAS) - VA-20-02-152

REQUEST: Variance in the C-1 zoning district to allow 236 sq. ft. cumulative copy area of wall signage in lieu of 120 sq. ft.
Note: This is the result of a Code Enforcement action.

ADDRESS: 9998 E. Colonial Dr., Orlando FL 32817

LOCATION: Southwest corner of E. Colonial Dr., and N. Dean Rd.

TRACT SIZE: .84 acres

DISTRICT#: 3

LEGAL: BEG 47 FT W OF SE COR OF SEC RUN N 214.66 FT S 84 DEG W 179.9 FT S 190.15 FT E 182.99 FT TO POB IN SEC 18-22-31

PARCEL ID#: 18-22-31-0000-00-072

NO. OF NOTICES: 159

NO ACTION NEEDED ON THIS PUBLIC HEARING AS THE APPLICANT REQUESTED A WITHDRAWAL VIA EMAIL DATED JANUARY 23, 2020, PRIOR TO THE BZA MEETING.

AMATEUR ATHLETIC UNION SPORTS FACILITY (JOHN FRITH) - SE-20-01-151

REQUEST: Special Exception and Variance in the R-CE zoning district as follows:
1) Special Exception to establish an indoor recreation facility.
2) Variance to allow a building height of 39 ft. in lieu of 35 ft.

ADDRESS: Fenton St., Orlando FL 32836

LOCATION: South of Fenton St., west of S. Apopka Vineland Rd.

TRACT SIZE: 9.60 acres

DISTRICT#: 1

LEGAL: COMM NE COR SEC 16-24-28 TH S 60 FT FOR POB TH RUN S 60 FT W 467.42 FT S 41 DEG W 702.16 FT W 97.14 FT S 32 DEG W 25 FT N 57 DEG W 55 FT N 32 DEG E 25 FT N 57 DEG W 236.91 FT N 95.95 FT N 46 DEG W 479.73 FT E 1623.39 FT TO POB

PARCEL ID#: 16-24-28-0000-00-008

NO. OF NOTICES: 93

Commentaries: None in favor and two (2) in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. Further, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): Dr. Roger J. Goudy (Applicant's representative)

Shadie Creech (Citizen in favor)

Alex Paredes (Neighbor opposed)

The applicant described the function and history of the AAU, and stated that they want to be a good neighbor. They confirmed that major tournaments would be held elsewhere, and this facility would be for offices, training, and mentoring.

A citizen spoke in favor stating that it was approved before and would like to see it built.

A neighbor spoke in opposition stating that they wanted to preserve the Rural Country Estates lifestyle, and were concerned about traffic, the appearance of the building and signage, which they would like scaled down. They were pleased with the 8:00 p.m. closing restriction, but wanted Fenton Street to be constructed in front of their property.

Material was submitted to the Board by the opposing neighbor to be entered into the record prior to the close of the public hearing.

BZA Discussion: A discussion ensued between the BZA and applicant to allow an extra hour of operation in the evening. The applicant agreed with this amendment. The applicant responded regarding the reconstruction of Fenton Street that it would be confusing to the public if they built a roadway parallel to the driveway on their property and would increase traffic. Further, the applicant indicated that the signage would be behind the existing foliage, and the original design was for a plain metal building, which was redesigned to be more aesthetically pleasing in appearance. Finally, the BZA recommended approval of the Special Exception and Variance, subject to the conditions in the staff report as amended.

BZA Action: A motion was made by Carolyn Karraker, seconded by Juan Velez and unanimously carried to recommend **APPROVAL** of the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, to recommend **APPROVAL** of the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended:

1. Development in accordance with the site plan dated November 21, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The subject parcel will be subject to a Conservation Area Determination (and a Conservation Area Impact if wetland impacts are proposed) prior to the development of the property.
5. Prior to development, the applicant must obtain approval from the Board of County Commissioners for the release of any existing conservation easement areas that are existing within the proposed development area.
6. There shall be no outdoor activities or events on the site.
7. The applicant shall improve Fenton Street to County Standards from S. Apopka Vineland Road up to their entrance. The improvement shall be submitted as an E-Permit to the Orange County Development Engineering Division. The improvement shall be completed prior to the issuance of the Certificate of Occupancy for the building.
8. Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
9. Lighting shall comply with Orange County Lighting Standards.
10. Landscaping, including materials and buffers shall comply with Section 24-5 of Orange County Code.
11. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

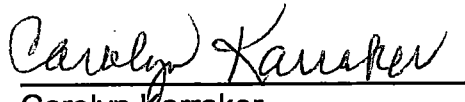
AYE (voice vote): All members present

Absent: Charles J. Hawkins, II, Deborah Moskowitz and Wes A. Hodge

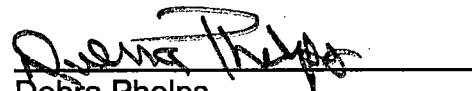
ADJOURN:

There being no further business, the meeting was adjourned at 12:09 p.m.

ATTEST:



Carolyn Karraker
Chairperson



Debra Phelps
Recording Secretary